

Introduction

The following information is about collecting child support in other states. It is also called “interstate.” This booklet tells about an interstate law called the Uniform Interstate Family Support Act (UIFSA).

Background

In the past, getting support paid across state lines has been hard. Laws are different from state to state. These differences cause some of the problems. Congress had a group of experts work to make a new law to fix some problems. This new law to improve getting support is called the “Uniform Interstate Family Support Act,” or “UIFSA” for short.

Under the old laws, it was possible for each state to enter a new support order. This caused families to have more than one order for the same support payer and children. By having more than one order, it became hard to know:

- how much support was owed,
- to whom the support was owed, and
- which state needed to collect it?

The rules under UIFSA only allow one support order at a time for each payer and child. This gives each state more power to establish and collect support in other states. It also sets limits on how much new states’ can become involved.

In 1996, Congress required that all states enact the UIFSA before January 1, 1998.

The following words will help you to understand this booklet and to talk about UIFSA.

Controlling order - the order that has priority over other orders issued.

Current support - the amount of money ordered for the care of a child or spouse. It may include child care, healthcare, costs, and fees.

Moving party - the person who is part of the case and is trying to have the order changed.

Party - a person who is part of the case.

Past-due support - support money that was not paid on time and is still owed.

Registering party - the person who is part of the case and is trying to register an order in another state.

Registration - the process to take an order from one state and have it recognized by another.

No Support Order

If there is no support order, one can be established. Support or paternity may be set up without the help of another state. If the people involved meet some specific rules (sufficient minimum contact), Michigan may be able to enter an order. If another state’s help is needed, UIFSA has rules which allow the two states to work together to get an order.

Controlling Order

Before UIFSA, as parties moved to different states, new orders were often created. This leads to differing orders for the same payer and children. Differing order amounts can lead to mix-ups and disagreements.

Before support can be changed or enforced in another state, the order which has priority must be decided. UIFSA has rules to decide which order to use. The order with priority is called the “controlling order.”

Enforcement

UIFSA lets states enforce their orders without needing to get help from another state. Direct income withholding is done by sending a withholding order directly to an employer in the other state.

Sometimes it is better to work with another state to collect support. The order can be registered for enforcement only. The second state cannot change the support order. That other state only uses their law to collect support.

Modification

When the current amount of support needs to be changed, the state that issued the order will not always be able to change it. Under UIFSA, there are several questions that help decide where an order should be changed.

- What states have issued support orders?
- Where do the parties and child(ren) live?
- Which order issued is controlling?

If a party or child still live in the state that issued the controlling order, a change in the support amount must occur there.

If no one lives in the state that issued the controlling order, that state cannot change the amount of support. To change support, the order must be registered for modification in the state where the non-moving party lives.

There is no controlling order if more than one state has issued an order and no one lives in those states. All of the orders should be registered in the state where the non-moving party lives. That state will take all of the orders and figure the past-due support that is owed. They will also issue a single new support order. The new order will set support.

UIFSA also allows both parties to agree in writing that a state where one of them lives may change the support amount and take control of the case.

Once a state changes another state's order, they must collect the current support. When the new order is entered, other states who have issued orders are not allowed to collect current support. Past due support on other orders can be collected, and other parts of their orders enforced.

Registering Orders

Orders may be registered in states that did not issue them. They can be registered for enforcement and/or modification. Registration starts by getting the orders and other documents, and sending them to the other state.

When the documents are received, the receiving state will file them with a local agency. Once filed, the local agency must send a copy of the documents and a notice to the non-registering party.

Orders registered from another state are to be enforced like any other support order in the receiving state.

The non-registering party has 20 days to object to orders being registered. This is the only time that they may object. If a proper objection is not made within 20 days, the order is confirmed.

If a proper objection is made to the local agency within 20 days, a hearing will be scheduled. A notice will be sent to the parties telling the date, time, and place of the hearing. Based on the facts given at the hearing, a decision will be made if the registration will be allowed. More facts may be collected before a final decision is made.

If the decision allows the registration of the order, or the 20 days passes without any proper objections, future objections are not allowed.

Where to go in Michigan if you need help

Contact a child support specialist at your local Family Independence Agency office if:

- You do not have a support order, or
- You live in Michigan and have a support order issued by another state that needs to be enforced or to have the amount changed.

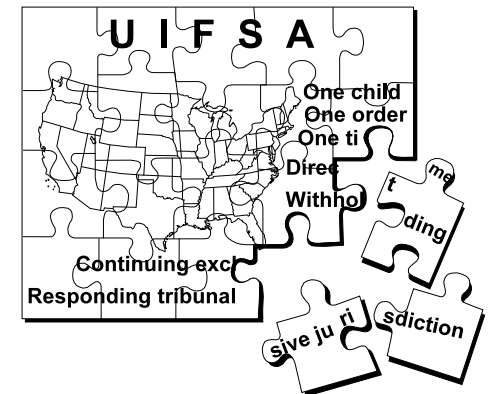
Contact the friend of the court office handling your case if:

- You have a Michigan court order that may need to be modified or enforced in another state. They can help determine what is the next appropriate action.

Note: Michigan courts will not be able to change your order if no one in the case still lives in Michigan. The friend of the court can still enforce past-due support. You are also able to apply for child support services in your new state.

The Uniform Interstate Family Support Act (UIFSA)

States working together
to collect support



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